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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

Centro Legal de la Raza, *et al.*,

Plaintiffs,

v.

Executive Office for Immigration
Review, *et al.*,

Defendants.

Case No. 3:21-cv-00463-SI

**NOTICE OF PENDENCY OF OTHER
ACTION OR PROCEEDING**

Date: March 9, 2021
Time: 10:30 a.m.
Hon. Susan Illston
Via Zoom Videoconference

1 **NOTICE**

2 On February 17, 2021, the Court issued an Order instructing Defendants to file a notice
3 “informing the Court of any other cases in which courts have already ruled on the issues raised in
4 the motion and of any other cases in which challenges to the same Final Rule at issue here are
5 currently pending.” ECF No. 55. In compliance with the Court’s Order and Local Rule 3-13,
6 Defendants hereby inform the Court that they are not aware of any cases in which the specific
7 issues raised here have already been decided but are aware of one case challenging the Final Rule
8 at issue in this litigation.

9 In *Catholic Legal Immigration Network, Inc. (CLINIC) v. Exec. Office for Immigration*
10 *Review*, No. 1:21-cv-094 (D.D.C. filed Jan. 11, 2021), five legal services organizations challenge
11 the Rule at issue here: *Appellate Procedures and Decisional Finality in Immigration Proceedings*;
12 *Administrative Closure*, 85 Fed. Reg. 81,588 (Dec. 16, 2021). Plaintiffs in *CLINIC*, like Plaintiffs
13 in the instant case, bring challenges under the Administrative Procedure Act, the Regulatory
14 Flexibility Act, and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
15 Plaintiffs’ arguments regarding the Rule’s legality and whether it is arbitrary and capricious are
16 similar as are their claims that the comment period was insufficient. Plaintiffs in both cases have
17 also sought preliminary injunctions. And four of the five amicus groups that have filed briefs in
18 the instant case also filed briefs in *CLINIC*. A hearing on the preliminary injunction motion filed
19 in *CLINIC* is scheduled for March 4, 2021. Coordination of the two cases may promote efficiencies
20 and avoid conflicting determinations.

21 DATED: February 23, 2021

Respectfully submitted,

22 /s/ Christina P. Greer
23 CHRISTINA P. GREER
24 Senior Litigation Counsel

25 Counsel for Defendants
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